

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA

v.

BRIAN MAHONEY

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No. 1:11-cr-006-01-JL

**PARTIALLY ASSENTED-TO MOTION TO DISMISS INDICTMENT
WITHOUT PREJUDICE PURSUANT TO Fed. R. Crim. P. 48(a)**

The United States of America, by John P. Kacavas, United States Attorney for the District of New Hampshire, pursuant to Federal Rule of Criminal Procedure 48(a), hereby moves to dismiss the pending Indictment, without prejudice, solely for reasons related to the mental condition of the defendant.

The defendant, through defense counsel, Andrew Schulman, Esq., partially assents to the relief sought. He agrees the Indictment should be dismissed, but will file a responsive pleading addressing the issue of whether the dismissal should be with, or without, prejudice.¹

WHEREFORE, the government moves to dismiss this Indictment, without prejudice.

February 18, 2014

Respectfully submitted,

JOHN P. KACAVAS
United States Attorney

/s/ Arnold H. Huftalen
Arnold H. Huftalen
Assistant U.S. Attorney
NH Bar Association # 1215
53 Pleasant Street, 4th Floor
Concord, New Hampshire 03301
(603) 225-1552

¹ Depending on what, if anything, defense counsel files on that issue, the government will promptly file whatever responsive pleading is necessary.

arnold.huftalen@usdoj.gov

CERTIFICATION OF SERVICE AND OF PARTIAL ASSENT

I hereby certify that this Motion to Dismiss Indictment Without Prejudice has been served electronically, through ECF filing notice, on defense counsel, Andrew Schulman, and that he agrees the Indictment should be dismissed, but will file a responsive pleading addressing the issue of whether the dismissal should be with, or without, prejudice, to which the government will respond if appropriate.

/s/ Arnold H. Huftalen
Arnold H. Huftalen
Assistant U.S. Attorney